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****E-filed 9/20/05****

Attorneys for Plaintiffs
 JAREK MOLSKI
 and DISABILITY RIGHTS
 ENFORCEMENT, EDUCATION
 SERVICES: HELPING YOU
 HELP OTHERS

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JAREK MOLSKI an individual; and
 DISABILITY RIGHTS
 ENFORCEMENT, EDUCATION
 SERVICES:HELPING YOU HELP
 OTHERS, a California public benefit
 corporation,
 Plaintiffs,

v.

TORO PETROLEUM; PDP
 INVESTMENTS, INC., a California
 corporation; PETE PEREZ, JR., an
 individual; and TORO PETROLEUM
 CORP., a California corporation, dba
 GONZALES UNOCAL 76,
 Defendants.

CASE NO. C 04-1941 RS

**STIPULATION OF DISMISSAL AND
~~[PROPOSED]~~ ORDER THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release (“Agreement”), each party is to bear its own costs and attorneys’ fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

STIPULATION OF DISMISSAL AND ~~[PROPOSED]~~ ORDER THEREON

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action
2 through their designated counsel that the above-captioned action be and hereby is dismissed
3 with prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

4 This stipulation may be executed in counterparts, all of which together shall constitute
5 one original document.

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7 DATED: May 17, 2005

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

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9 By: _____/s/_____
10 Jessica A. Dayton
11 Attorneys for Plaintiffs JAREK MOLSKI
12 and DISABILITY RIGHTS ENFORCEMENT,
EDUCATION SERVICES: HELPING YOU HELP
OTHERS

13 DATED: May 17, 2005

PORTER, SCOTT, WEIBERG & DELEHANT

14
15 By: _____/s/_____
16 Jennifer E. Duggan
17 Attorneys for Defendant TORO PETROLEUM
CORP.

18 DATED: May 17, 2005

DE VRIES LAW GROUP

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21 By: _____/s/_____
22 Daniel J. DeVries
23 Attorneys for PDP INVESTMENTS, INC.

24 IT IS SO ORDERED 9/20/05

25 Jeremy Fogel/s/electronic signature authorized
26 United States District Court
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